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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,612

11/26/2003

Brett Watson-Luke

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EXAMINER

MYINT, DENNIS Y

ART UNIT

PAPER NUMBER

2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,612	<b>Applicant(s)</b> WATSON-LUKE ET AL.	
	<b>Examiner</b> Dennis Myint	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,8-10 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,8-10 and 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/26/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is responsive to Applicant's Amendment, filed on 25 September 2006.
2. In the Amendment filed on 25 September 2006, claims 1, 8, 10, 21, 22, and 23 were amended. Claims 4-7 and 11-15 were cancelled. As such, Claims 1-3, 8-10, 16-19, and 20-25 are pending in this application. Claims 1, 8, 16, 20, 24, and 25 are independent claims. This office action is made final.

### ***Response to Arguments***

3. The applicant's arguments filed on 25 September 2006 have been fully considered. Concerning claims 16-19 and 20-25, said arguments are moot in the new ground(s) of rejection.

Referring to claims 1 and 8, Applicant argued on Page 8 that *Neither Surasinghe nor Call discloses a system which automatically modifies and/or updates an application program and at least one support system to reflect changes made in the application program*. It is pointed out that said limitation has been addressed in the prior office action, citing Paragraph 0032 of Surasinghe application that *The invention is a system for dynamically integrating changes in the rules governing business operations into an application program that implements the rules in order to control business operations*. Additionally, Surasinghe discloses that feature of dynamically and automatically effecting changes, that is, automatically modifying and/or updating an application

program and at least one support system to reflect changes made in the application program as *When the underlying business plan change such that the certain or all of the business logic rules must be revised or new rules added, the user creates new expressions and/or rewrites affected expressions and the DBLRI 12 produces corresponding executable routines for use by the application software* (Surasinghe, Paragraph 0027). Said disclosures by Surasinghe clearly teach changes are used to automatically configure a new version of the support system.

Applicant alleges that *Call fails to rectify the deficiencies found in Surasinghe*. Claims 1, 8, 16, 20, and 25 are rejected over Surasinghe in view of Call because Surasinghe does not teach the limitation "in a file-based format", which Call teaches and thus rectifying what Surasinghe reference does not explicitly teach. Therefore, said argument is in appropriate.

In a similar vein, Applicant argued on page 9 that *As set forth, they system described by Surasinghe stores changes to the rules of the application in executable subroutines (.dll files). Because Surasinghe does not disclose the use of support systems, it does not, therefore, disclose automatically updating any systems to make use of the stored changes made to the application program*. First of all, it is pointed out that .dll files are part of an application under Windows operating system and therefore are considered integral parts of a Windows application. In addition, it is pointed that the system of Surasinghe itself is a support system.

Regarding the argument on page 9, which states that *Independent claims 16, 20, and 25 claim s a subordinate level of configuration that is controlled by a higher level of*

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*configuration so that any changes made to the higher level are updated and reflected in the subordinate level*, new ground(s) of rejection are introduced referring to

Krishnaswami et al., (U.S. Patent Application Publication Number 2005/0091346).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1-3 and 8-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Surasinghe (hereinafter as "Surasinghe") (U.S. Patent Application Publication Number 2004/0194069) in view of Call (hereinafter "Call ") (U.S. Patent Number 6154738).

As per claim 1, Surasinghe is directed to:

"comprising managing the configuration of telecommunications operations software" (Surasinghe, Paragraph 0004, i.e. *For a company that provides a monthly service, such as, for example, telecommunication services, customized billing software controls customer billing operations using predetermined parameters that define customer rate plans.*)

"comprising computer code by storing configuration data," (Surasinghe, Paragraph 0013, i.e. *The DBLRI operates with a database in which certain or all of the database fields and sub-fields correspond to parameters that are available to the user for inclusion in the business logic rules., and Paragraph 0018, i.e. The DBLRI also readily accommodates new business practices by incorporating re-defined parameters.*)

"specifying or modifying the configuration data by selecting telecommunications products or services from a catalog" (Surasinghe, Paragraph 0012, i.e. *The invention is a system for dynamically integrating changes in the rules governing business operations into an application program that implements the rules in order to control business operations.* Note that it is inherent in the system of Surasinghe that new services and products of a business are reflected in said changes, including those made in a business catalog.).

"and effecting one or more changes required to the computer code of the telecommunications operations software in response to newly specified or modified configuration data" (Surasinghe, Figure 3, Paragraphs 0030-0032, Paragraphs 0037, and Paragraph 0064-0065, i.e. *The DBLRI incorporates associated new and/or update rules in the manner discussed above.*). and

“publishing the changes to at least one support system so as to automatically configure a new version of the at least one support system” (Surasinghe, Paragraph 0027, i.e., *When the underlying business plan change such that the certain or all of the business logic rules must be revised or new rules added, the user creates new expressions and/or rewrites affected expressions and the DBLRI 12 produces corresponding executable routines for use by the application software*). In addition, it is pointed that the system of Surasinghe itself is a support system.

Surasinghe, however, does explicitly recite the limitation:

“in a file-based format”.

Call teaches said limitation:

“in a file-based format” as *This illustrative program uses a file-based database rather than the relational database* (Call, Column 15 Lines 30-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of using a file-based format for a database as taught by Call to the method and system of Surasinghe so that, in the resultant method and system, configuration data in a file-based format. One would have been motivated to do so in order to provide a “cross-referencing database” (Call, Column 2 Lines 45-49) and also because employing file-based format such as XML for storing configuration data are well known in the art.

Claim 8 is rejected on the same basis as claim 1.



As per claim 2, Surasinghe is directed to:

“a method according to claim 1 wherein the telecommunications operations software is selected from the group: provisioning software, customer support software or billing software.” (Surasinghe, Paragraph 0004, i.e. *For a company that provides a monthly service, such as, for example, telecommunication services, customized billing software controls customer billing operations using predetermined parameters that define customer rate plans.*).

Claim 9 is rejected on the same basis as claim 2.

As per claim 3, official note is taken that it is notoriously well known that object code, source code, or parameters or data are all referred to as computer code or vice versa in the art.

Claim 10 is rejected on the same basis as claim 3.

7. Claims 16-23 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Surasinghe in view of Call and further in view of Krishnaswami et al., (hereinafter “Krishna”) (U.S. Application Publication Number 2005/0091346).

As per claim 16, Surasinghe is directed to:

“a method comprising managing a telecommunications software system using a graphical user interface to set the configuration of one or more parts of the system at a first level of configuration” (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037),

“and automatically configuring the one or more parts of the system” (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI 12 evaluates the expression and produces a corresponding executable routing that can be called by the application software* and Paragraph 0064, i.e. *The DBLRI incorporates associated new and/or update rules in the manner discussed above.*).

Surasinghe in view of Call does not explicitly teach the limitation: “at a first level of configuration, and automatically configuring the one or more parts at a second, lower level of configuration”.

Krishna teaches the limitation:

“at a first level of configuration, and automatically configuring the one or more parts at a second, lower level of configuration” (Paragraph 0052, i.e., *the system 100 can offer merging granularity down to the individual setting level*; Paragraph 0014, i.e., *The configuration service component compiles the configuration section of the manifest into a **namespace** in its store*; Paragraph 0135, i.e., *A top-level Engine object 502*; Paragraph 0379, i.e., *This section describes the **different levels** of integration applications can have with the system 100 infrastructure configuration system and their benefits*; Paragraph 0380, i.e., *level 1*; Paragraph 0381, i.e., *level 0*).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of managing system configurations at different

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levels, as taught by Krishna, to the method of Surasinghe in view of Call so that the resultant method would automatically configure the one or more parts of the system at a first level of configuration, and automatically configuring the one or more parts at a second, lower level of configuration. One would have been motivated to do so in order to *facilitate organization of configuration settings in a ration and comprehensible manner* (Krishna, Paragraph 0009).

Claim 20 and 25 are rejected on the same basis as claim 16.

As per claim 17, Surasinghe is directed to

“a method according to claim 16 further wherein the first level of configuration is specified at a policy level” (Krishna teaches top-level configuration (Paragraph 0135). Additionally, Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037 recites as *validation rules, matching rules, on-execution rules, post-match rules, closing action rules and so forth.....and edit user defined parameters or data objects that establish various trading instruments, various market types that define in which market a user may operate, and so forth. ).*

Claim 21 is rejected on the same basis as claim 17.

As per claim 18, Surasinghe in view of Krishna is directed to

"a method according to claim 16 further wherein the first level of configuration is specified as a composite of lower level configuration settings" (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI 12 evaluates the expression and produces a corresponding executable routing that can be called by the application software.*). Note that in the method and system of Surasinghe, first level (entering rules via graphical user interface is a preliminary step to the generation of code (DBLRI) which is executed at the second lower level and thus is a composite of the second, lower level. Also, Krishna teaches top-level configuration (Paragraph 0135) and subordinate, levels below the top-level (Paragraph 0379, i.e., *This section describes the **different levels** of integration applications can have with the system 100 infrastructure configuration system and their benefits*) and the top level is the composite of said subordinate levels.

Claim 22 is rejected on the same basis as claim 18.

As per claim 19, Surasinghe is directed to

"a method according to claim 16 further wherein the first level of configuration is specified by selecting one or more product catalog items" (Krishna teaches top-level configuration (Paragraph 0135). ; and Surasinghe, Paragraph 0012, i.e. *The invention is a system for dynamically integrating changes in the rules governing business operations into an application program that implements the rules in order to control business operations.*) Note that it is inherent in the system of Surasinghe that new services and

products of a business are reflected in said changes, including those made in a business catalog.

Claim 23 is rejected on the same basis as claim 19.

8. Claim 24 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Surasinghe in view of Call and further in view of Krishna and further in view of Fomenko (hereinafter "Fomenko") (U.S. Patent Application Publication Number 2003/0158919).

Referring to claim 24, Surasinghe in view of Call and further in view of Krishna teaches the limitations:

"a configuration server for telecommunications software "(Surasinghe, Paragraph 0037, i.e. *DBLRI 12*);

"one or more configuration tools having a graphical user interface adapted to specify a configuration for the telecommunications software" (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037); and

"telecommunications software in communication with the configuration server" (Surasinghe, Paragraph 0012).

Surasinghe in view of Call and further in view of Krishna does not explicitly teach the limitations:

"a version control server for telecommunications software " and

“one or more version control tools adapted to manage versioning of the telecommunications software”.

Fomenko teaches the limitations:

“a version control server “ (Fomenko, Paragraph 0031) and

“one or more version control tools adapted to manage versioning (Fomenko, Paragraph 0031)”.

At the time the invention was made, it would have obvious to a person of ordinary skill in the art to add the feature of version controlling as taught by Fomenko to the method and system of Surasinghe in view of Call so that the resultant system would comprise a version control server and respective version control tools which are adapted to manage versioning of communications software. One would have been motivated to do so in order to because updating software employing version controlling is well known in the art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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